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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE DIVISION

ELIAS MAKERE, FSA, MAAA

)

Plaintiff

)

v.

)

STANDARD INSURANCE COMPANY,
UNNAMED DEFENDANT #2, BEN
WACKER

)

Defendant

)

Case No (LT)
3:24-cv-000189

**PLAINTIFF'S MOTION FOR AN EXTENSION OF TIME
(TO COMPLETE THE JOINT CASE MANAGEMENT REPORT)**

Plaintiff, ELIAS MAKERE, on this 29th day of March 2024, respectfully asks this Court to grant the parties an additional ten (10) days to complete the case management report.

Key Points:

- A.) Grounds good cause; eliminate disadvantage placed on Plaintiff
- B.) Conferral 100% of served Defendants do not object to this request

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Background: Plaintiff – hampered by inequity – learned of a deadline
Problem: Court has put Plaintiff at a [deadline] disadvantage
Request: Court extends the deadline (by 10 days)

Rule 1 Fed. R. Civ. P. | Scope

“[These rules] should be... administered... by the court... to secure the just, speedy, and inexpensive determination of every action...”

Rule 6(b)(1) Fed. R. Civ. P. | Scope

“In general. When an act may or must be done within a specified time, the court may, for good cause, extend the time...”

Precedence

- 6:23-cv-01945-ACC-LHP - USFLMD (11/28/23)
- 8:22-cv-02548-CEH-JSS - USFLMD (6/21/23)
- 2:20-cv-00814-SPC-NPM - USFLMD (1/14/22)
- 6:18-cv-00437-GAP-LRH - USFLMD (6/7/19)
- 2:18-cv-00061-JES-UAM - USFLMD (3/4/19)
- 2:18-cv-00438-SPC-UAM - USFLMD (1/30/19)
- 2:18-cv-00274-PAM-NPM - USFLMD (11/27/18)
- 8:18-cv-00738-SCB-TGW - USFLMD (5/19/18)

This Court has regularly granted nearly-identical motions

Abbreviations:

USFLMD - US District Court, Florida, Middle District

MOTION

I. Relevant History

1. On January 17, 2024, Plaintiff initiated this lawsuit. He did so, notably, without an attorney (ie, *pro se*). Moreover, he initiated this action in state court (Florida; Duval County; 2024-CA-000628).
2. Roughly one month later (circa February 16, 2024), Defendants-X (ie, Standard Insurance Company; and Mr. Ben Wacker) appeared via counsel. Who thereby removed this action into this Court.
3. Soon thereafter, Defendants-X moved this Court for an extension of time. A motion that this Court granted.
4. At all times material hereto, Plaintiff – as a *pro se* litigant – has been barred from enjoying the privilege of electronic filing. A privilege, of course, that Defendants-X have always enjoyed. A privilege, crucially, that has affected this proceeding.
5. Yesterday – on March 28, 2024 – Defendants-X informed Plaintiff that this Court had set a deadline (of Monday, April 1, 2024) for completing the case management report. Defendants-X received that Court directive via electronic means. Plaintiff, on the other hand, has never received the Court's directive.

6. On that same day, Defendants-X informed Plaintiff that they had previously filed a *Motion to Dismiss*; which is currently pending. This, too, was news to Plaintiff (whom never received a copy of the motion).
 - a) Beforehand, Plaintiff believed that Defendant-X had been failing to respond to his complaint. Thereby signaling default.
7. So, a few hours later, Plaintiff sought to cure the inequities. Doing so by filing an ‘*Unopposed Motion for Leave to Utilize Electronic Filing*’. Since that moment, Plaintiff has been trying to confer with Defendants-X regarding the upcoming deadline (§5, *supra*).

II. Analysis

8. This Court has a class-based prohibition on electronic filing. This prohibition has injured Plaintiff; while alleviating Defendants-X [of that same harm].
9. Pertinently, the injury revealed itself twice:
 - a) First, it did so when this Court failed to notify/forward Defendant-X’s Motion to Dismiss. Of course, this was exacerbated by Defendant-X’s failure to do the same.
 - b) Second, the injury revealed itself when this Court [electronically] notified Defendants-X of the April 1st deadline (§5, *supra*). It made a fool of Plaintiff, though, by neglecting to do the same [for him].

10. The injuries have compounded one another; and have placed Plaintiff at a disadvantage. The aforementioned motion to dismiss (§6) will impact the case management conference (ie, narrowing issues, etc.). Yet, it will also require Plaintiff's time & attention (ie, researching, rebutting, etc.). Time, however, that the [surprise] deadline is not affording him.
11. Speaking of time, Plaintiff has responded rapidly; and with diligence. He did so by promptly taking action upon learning of the injury. Action that included – but was not limited to – him filing his unopposed motion to receive the eFiling privilege (§7).

a) Action that also included – but was not limited to – him aborting his *Motion for Default* (please see Rule 12(a)(1) Fed. R. Civ. P.)

12. *But for* this notification/privilege inequity, Plaintiff would be able to meet this [surprise] deadline.

III. Standard for Review

13. Rule 6(b) Fed. R. Civ. P. governs *Motions for Extensions of Time*:

“(1) In General. When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires;”

– Rule 6(b)(1)(A) Fed. R. Civ. P.

14. According to the 11th Circuit Court of Appeals, this Court has broad discretion in deploying Rule 6 (highlights added):

“We recognize that district courts enjoy broad discretion in deciding how best to manage the cases before them. See, e.g., United States v. McCutcheon, 86 F.3d 187 (11th Cir. 1996). This discretion is not unfettered, however. When a litigant’s rights are materially prejudiced by the district court’s mismanagement of a case, we must redress the abuse of discretion.”

– Chudasama v. Mazda, 123 F.3d 1353 (11th Cir. 1997)

15. This Court employs that 11th Circuit holding in the following way (highlights added):

“In exercising this discretion, a court may extend the time concerning when an act must be done within a specific time if the request is made before the original time, or its extension expires... Here, Defendant’s Motion was timely filed, and the court finds good cause to extend the deadlines as requested.”

– Turner v. Progressive, 8:22-cv-02548 (6/21/23 USFLMD)

16. In short, this Court grants these types of motions if:

- a) the motion was filed before the deadline; and/or
- b) the movant showed good cause.

17. In the instant case, Plaintiff has satisfied both prongs.

IV. Application

18. By filing this motion today (ie, 3 days before the deadline), Plaintiff has satisfied the first prong.

19. Plus, by exercising diligence – in the face of government-borne inequities – Plaintiff has shown good cause for this request. Good cause, of course, exists when there is a “*lack of notice*” (highlights added):

“Good Cause = substantial or legally sufficient reason for doing something. For example, if a statute provides for granting a new trial upon a showing of good cause, such good cause might include the existence of fraud, lack of notice to the parties or newly discovered evidence. ”

– Barron’s Dictionary of Legal Terms; Gifis, 5th Edition © 2016

Therefore, Plaintiff has – in textbook fashion – satisfied the second prong (in the two-prong test for granting this *Motion for an Extension of Time*). Satisfying it, of course, due to the “*lack of notice*” which has permeated this proceeding.

20. As a bonus, Plaintiff hereby states that the non-movant (ie, Defendants-X) will not be prejudiced by this extension. For one, Defendants-X have never expressed/indicated harm. And, secondly, Plaintiff sees no harm in the relief he seeks.

V. Nature of Relief Sought

21. Plaintiff seeks a ten (10) day extension of this Court’s deadline (for the Case Management Report); as follows:

Current Deadline: Monday, April 1, 2024

New Deadline: Thursday, April 11, 2024

CONFERRAL

Today – Friday, March 29, 2024 – Plaintiff asked Defendants-X (via email) whether they had any opposition to this motion. Sans response, Plaintiff followed up via phone. Yet, Defendant-X's absence forced him to leave a voicemail. As of now, Plaintiff still has not received any response from Defendants-X.

Nevertheless, Plaintiff believes the foregoing presents a compelling (ie, *good cause*) and important (ie, *eliminate disadvantage – in support of an even-footed case management conference*) reason for obtaining the requested relief.

CONCLUSION

WHEREFORE, Plaintiff respectfully asks this Court to enter an *Order Extending the Deadline (for the Parties to Complete the Case Management Report)*. Specifically, Plaintiff seeks a 10-day extension (up-to-and-including Thursday, April 11, 2024).

Dated this 29th day of August 2024.

Respectfully submitted,

/s/ Elias Makere

ELIAS MAKERE, FSA, MAAA, Plaintiff

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CERTIFICATE OF COMPLIANCE

I certify that the size and style of type used in this document is Times New Roman 14-point Font (caption) and Century Schoolbook 13-point Font (contents); thus complying with the font requirements of Local Rule 1.08.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of March 2024, I electronically filed the foregoing with the Clerk of Courts by using its online filing page. A notice – via CM/ECF – will be sent to the attached service list.

/s/ Elias Makere (3/29/22)

Endnotes:

Electronic Copy (text-searchable):

[TextBookDiscrimination.com/Files/USFLMD/24000189 GMOT 20240329 162556.pdf](https://www.textbookdiscrimination.com/Files/USFLMD/24000189_GMOT_20240329_162556.pdf)

Link to State-Borne Cover Up ([HTML](#), [PDF](#), [Video](#))

HTML	TextBookDiscrimination.com/Info/Misc/ALJPerjury/Complaint-Amended
PDF	TextBookDiscrimination.com/Files/USFLND/21000096 AAC 20211231 123954.pdf
Video	https://youtu.be/ RaJXfXOCE

Link to Originating Case ([HTML](#), [PDF](#), [Video](#)) | *Makere v Allstate*

HTML	TextBookDiscrimination.com/Allstate/Complaint-Full.html
PDF	TextBookDiscrimination.com/Files/USFLMD/20000905 AAC 20211104 230439.pdf
Video	https://youtu.be/e3mgBPHesXg

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(appearing for Defendants: Standard Insurance; and Mr. Wacker)

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